

ORIGINAL

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

AUG - 5 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Preparation for International) IC Docket No. 94-31
Telecommunication Union World)
Radiocommunication Conferences)

COMMENTS OF COMSAT WORLD SYSTEMS

COMSAT Corporation
COMSAT World Systems
6560 Rock Spring Drive
Bethesda, Maryland 20817

Robert A. Mansbach
Its Attorney
301-214-3459

No. of Copies rec'd
List A B C D E

Ans

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

AUG 5 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Preparation for International) IC Docket No. 94-31
Telecommunication Union World)
Radiocommunication Conferences)

REPLY COMMENTS OF COMSAT WORLD SYSTEMS

COMSAT World Systems ("CWS"), a business unit of COMSAT Corporation, herein submits its Reply to Comments filed in response to the Federal Communications Commission's Notice of Inquiry ("Notice") in the above-captioned proceeding.

INTRODUCTION

In its Comments, CWS addressed several issues of major concern, chiefly related to the following: MSS feeder link operation in the Fixed-Satellite Service ("FSS") bands and related Radio Regulation ("RR") No. 2613; results of sharing studies for the band 13.75-14.0 GHz, newly allocated to the FSS on a primary basis at WARC-92; the Voluntary Group of Experts ("VGE") Report, including replacement of Resolution No. 46 taken at WARC-92 regarding coordination of non-geostationary satellite systems; preparations for future WRCs; and the agendas for the

1997 and 1999 WRCs.¹

As discussed in greater detail below, in its Reply in this proceeding, CWS will specifically address four issues of primary importance: the FSS band at 13.75-14.0 GHz; the Report of the VGE; preparations for future WRCs; and the agenda for the 1997 WRC.²

FSS BAND AT 13.75-14.0 GHz

Hughes Space and Communications Company and Hughes Communications Galaxy, Inc. (collectively, "Hughes") and CWS were the only parties to address the 13.75-14.0 GHz band allocated to FSS at WARC-92. In this regard, Hughes endorsed the work done by Task Groups 4/4 and 7/3 of the ITU Radiocommunication Sector ("ITU-R"), confirming the sharing criteria in Footnotes Nos. 855A and 855B of the Radio Regulations.³

The Comments filed by CWS and Hughes reflect general

¹ Several other parties also addressed these issues, noting, as did CWS, that the Industry Advisory Committee ("IAC"), established by the Commission in parallel with this proceeding, has most of these issues under consideration. We view the IAC as a good mechanism to fully explore these issues and we look forward to further discussing these issues in that forum.

² For an in-depth discussion of the MSS-related issues, including feeder links, see the Reply Comments filed by COMSAT Mobile Communications ("CMC") filed August 5, 1994, in this proceeding.

³ See, Comments of Hughes at 2-4; Comments of CWS at 5.

agreement among all the parties involved in these studies at the international level that the proper sharing criteria is in place. Therefore, WRC-95 should confirm the availability of the 13.75-14.0 GHz band for FSS on a primary basis.⁴ The allocation and use of this band for FSS is not a major issue for WRC-95, since the allocation decision was taken at WARC-92. Nevertheless, the availability of this band is of major significance to the FSS community, including the U.S. and the many other countries operating in the INTELSAT system. Moreover, as Hughes notes, the ITU's Space Network List indicates that there are over one hundred satellite systems worldwide that propose to use the 13.75-14.0 GHz band.⁵

The limited concern expressed to date on this issue in the Comments filed in this proceeding should not be taken to indicate a lack of interest, but rather should be viewed as reflecting the consensus among those involved that WRC-95 can now readily conclude this agenda item. Even so, we believe that the Commission should not take this issue for granted, but rather the Commission should confirm with other administrations the expeditious treatment of this agenda item at WRC-95.

⁴ We fully expect that the NTIA-IRAC process underway to prepare the U.S Government spectrum users' views on WRC-95 issues will also confirm this consensus, which reflects cooperative efforts between commercial and government spectrum users (specifically, between NASA and the FSS users).

⁵ See, Comments of Hughes at 3 n.3.

REPORT OF THE VGE TO SIMPLIFY THE RADIO REGULATIONS

The Commission has received a number of comments on the VGE Report expressing several common themes. Several parties, in addition to CWS, expressed concern about whether or not the new Simplified Radio Regulations ("SRR") have been sufficiently scrutinized -- particularly by industry -- to ensure that the efforts to simplify the Radio Regulations will not result in changes contrary to U.S. interests. Particularly, the MSS community expressed a range of concerns, and, indeed, outright opposition, to the VGE's treatment of Resolution No. 46 (WARC-92) concerning coordination of non-geostationary satellite systems.⁶ Also, several parties shared CWS's concern that WRC-95 could become overwhelmed by the VGE Report and the issues surrounding the adoption of the SRR to the detriment of MSS.⁷ It is clear from these comments that a large sector of the U.S. telecommunications industry views WRC-95 as the "MSS Conference" where decisions are necessary to facilitate the use of MSS allocations and to pave the way for new generations of mobile satellite systems to bring personal communication services to the

⁶ See, Comments of AMSC at 18; Comments of CWS at 11; Comments of Constellation Communications, Inc. ("Constellation") at 2; Comments of Orbital Communications Corp. ("ORBCOMM") at 7; Comments of Starsys at 3; Comments of Motorola Satellite Communications, Inc. ("Motorola") at 2; and Comments of TRW, Inc., ("TRW") at 2.

⁷ See, Comments of AMSC at 17, Comments of CMC at 32; Comments of CWS at 8; and Comments of Loral/Qualcomm Partnership, L.P. ("Loral/Qualcomm") at 20.

global marketplace.

Notwithstanding U.S. industry's concerns about the VGE Report and how these issues will be treated at WRC-95, it appears to CWS that most countries view the VGE agenda item as a matter of prime focus at WRC-95 at least equal in importance to the MSS issues. Therefore, it behooves the U.S. to not only be prepared to address the substance of the VGE issues, but also to determine the most effective way to address the VGE issues, while not allowing them to consume the time and resources of the Conference.

In this regard, both CWS and AMSC have proposed that at least two committees be established at WRC-95, one for VGE matters and one for MSS matters.⁸ Such a structure would allow MSS and VGE issues to be independently addressed during the course of the Conference with final decisions taken at plenary sessions. While AMSC believes that the VGE's recommendations should not be finally adopted at WRC-95, we believe that many of them nonetheless will be adopted. We submit that the U.S. should not oppose adoption as a general position but should rather take a leadership role to adopt those proposals which can be readily adopted and postpone those proposals which present problems. This approach would include a proposal from the U.S. to: (1) structure the consideration of the VGE Report in a separate

⁸ See, Comments of AMSC at 8; Comments of CWS at 9.

committee at the Conference; (2) organize the issues to identify the noncontroversial ones and treat them first before considering the more controversial items; (3) identify those issues which may not be ripe for final decision at WRC-95 and postpone them to WRC-97 (in the interim, they could be addressed as part of the work of the Conference Preparatory Meeting for WRC-97); and (4) establish guidelines at WRC-95 which would limit the time to debate controversial issues at plenary sessions. With this approach, it may be possible to adopt much of the VGE Report at WRC-95 and to schedule final adoption of the Simplified Radio Regulations on the agenda for WRC-97.

A final suggestion which we believe would be most helpful to U.S. industry and to the work underway in IWG-1 on Regulatory Matters, is for the U.S. Government experts who have reviewed the VGE Report in detail to share their views and provide advice on the areas of most concern to the private sector. Our recommendation is to seek advice from not only Commission, NTIA and State Department experts, but also to specifically share the assessment made by the IRAC Radio Conference Subcommittee with the private sector. It is our understanding that Government representatives are prepared to share this information. By doing so at an early date, final U.S. views can be prepared taking into account the collective work product of industry and government experts. This should greatly assist the Commission in finalizing U.S. positions on these issues.

PREPARATIONS FOR FUTURE RADIO CONFERENCES

In its Notice, the Commission requested comments concerning preparations for future WRCs and on ways that the Commission can be more responsive to the needs of the industry.⁹ CWS, AMSC, and ORBCOMM responded to this request and recommended several measures that the Commission could take to improve the preparatory process.

In this regard, we agree with AMSC that final U.S. proposals to WRCs are needed well in advance of the Conference and that the Commission's NOI process should be adjusted so that final proposals are ready six to eight months before the Conference.¹⁰ Both AMSC and CWS advocate a closer, more open, and continuous process of coordination between the Commission and NTIA for WRCs, including a more formal relationship between IAC and IRAC. With regard to AMSC's suggestion to establish a joint committee made up of Commission and NTIA representatives which would be open to the private sector, it is not clear to us how this committee would work in relation to the IAC and IRAC. Thus, we are concerned about duplicative efforts and adding additional meetings. Nevertheless, we endorse the need for better coordination and believe that these suggestions and the six specific recommendations made in our Comments should be seriously

⁹ See, Notice at para. 1.

¹⁰ Comments of AMSC at 23-24.

considered by the Commission.¹¹

One final and very important point raised by ORBCOMM, relates to the issue of the size of U.S. delegations and the limitation of government representation at WRCs to ten persons. ORBCOMM notes that it is part of an ad hoc industry group which was successful in obtaining a ruling from the Department of State that the limitation does not apply to private sector members of U.S. delegations. Nevertheless, because of the reasons cited by ORBCOMM, and those expressed by the informal industry group in a letter to Chairman Hundt dated May 3, 1994, attached hereto, the Commission, together with the Department of State and NTIA, should explore ways to ensure that the U.S. delegation is not handicapped at WRC-95 by an unnecessary size limitation.¹²

THE 1997 WRC AGENDA

In response to the Commission's request for comments on the agenda for the 1997 WRC, several parties, in addition to CWS, indicated that the agenda for WRC-97 should provide ample time to consider issues that may not be fully resolved at WRC-95. Particularly the issues of new MSS service, feeder link allocations, and VGE issues to simplify the Radio Regulations may well spill over to 1997. Indeed, AMSC and Loral would defer many

¹¹ See, Comments of CWS at 17.

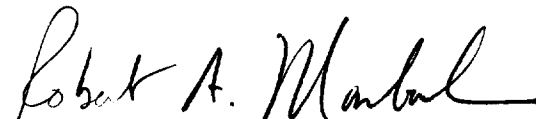
¹² See, Comments of ORBCOMM at 14.

of the VGE considerations to 1997.¹³ Therefore, we suggest that the U.S. coordinate with other countries in an effort to limit the expansion of the 1997 agenda and not include new items, so that sufficient time will be available to treat the items already on the preliminary agenda for WRC-97.

Finally, we agree with Teledesic that Recommendation No. 719 (WARC) should be included on the 1997 WRC agenda and associated with Recommendation 715 (ORB-88), which is already on the preliminary agenda. These recommendations concern future provisions for multi-band and/or multi-service satellite networks. For the reasons stated by CWS, CMC and Teledesic, we believe that these issues are critical to the future expansion of satellite service markets and should be ripe for consideration in 1997.¹⁴

Respectfully submitted,

COMSAT Corporation
COMSAT World Systems

By: 
Robert A. Mansbach
Its Attorney
(301) 214-3459

August 5, 1994

¹³ See, Comments of AMSC at 17-18; Comments of Loral at 20.

¹⁴ See, Comments of CWS at 18-20; Comments of CMC at 33-34; and Teledesic at 13-16.

May 3, 1994

Honorable Reed F. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Chairman Hundt:

This letter concerns the size, composition and effectiveness of U.S. delegations to international telecom conferences. We corresponded with you on this issue by letter dated January 14, 1994. This letter is a follow-up on developments since January and reflects the views of the private sector group that has been actively pursuing this issue.

We are advised that according to the letter dated February 16, 1994, from Mr. Richard M. Moose, Under Secretary of State for Management, there is no limit on the number of private sector delegates on U.S. delegations (copy attached).

The private sector welcomes the Department's clarification of its policy to encourage the telecom industry to participate in international conferences without any artificial limit on the number of private sector delegates. Nevertheless, we understand that the government will be limited to ten delegates. For certain ITU conferences, including the upcoming Kyoto Plenipotentiary Conference and the WRC-95 Conference, this limit is sure to have negative consequences on the U.S. telecom sector as a whole -- both government and industry. This is so because of the breadth and complexity of the agenda and the real need for the United States to be actively involved in all committee, working group and informal negotiation meetings. Any artificial limit on the government may mean that critical Commission experts needed to speak on behalf of U.S. positions particularly at WRC-95 will not be present. Equally troubling are practical consequences that could directly affect the private sector representation if the Department follows past practices and keeps the number of private sector delegates in line with the now limited number of government delegates.

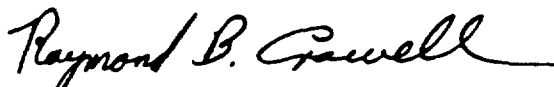
These self-imposed limits on numbers of delegates can not be justified. The industry looks to the Commission for leadership on commercial international telecom matters.

Chairman Hundt
May 3, 1994
Page 2

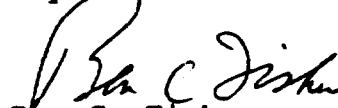
Therefore, we would welcome the opportunity to further discuss this matter with you and your staff at your earliest convenience.

Thank you for your interest and involvement in this critical issue.

Very truly yours,



Raymond B. Crowell



Ben C. Fisher

Representing an Informal Group
of Interested Organizations

2001 Pennsylvania Avenue
Suite 400
Washington, D.C. 20006
301-214-3466 R. Crowell
202-659-3494 B. Fisher

Attachments (2)

cc: James L. Ball
Karen Brinkman
Scott Harris

**UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON**

February 16, 1994

Dear Mr. Fisher:

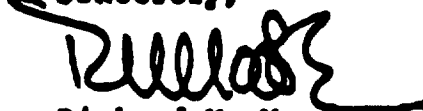
Thank you for your letters of January 14 to myself and Secretary Christopher in which you detail the important role of the private sector in international telecommunications conferences. Your contribution to these conferences is extremely important to the telecommunications industry, and we support your participation.

Let me assure you that the limit of ten delegates to international conferences applies only to the government contingent---it is in no way meant to limit private sector participation.

I understand that you have been in contact with the Office of International Conferences in the Bureau of International Organization Affairs, and that our personnel there have clarified for you how the new limits on delegation size will work. I hope this has alleviated your concerns. We are committed to supporting the telecommunications industry and encourage your participation in the conferences.

Should you need further information on this issue, please do not hesitate to contact me.

Sincerely,


Richard M. Moose

**Mr. Ben C. Fisher,
1255 23rd Street, N.W.
Suite 800,
Washington, D.C.**

American Mobile Satellite Corporation
American Radio Relay League, Inc.
American Telephone & Telegraph Company
ARC Professional Services
Association of American Railroads
Bell Atlantic
BellSouth Corporation
Bellcore
CBS, Inc.
Columbia Communications Corporation
COMSAT Corporation
Digital Microwave Corporation
GTE Corporation
Hughes Aircraft Company
IBM Corporation
International Communication Association
Iridium, Inc.
Loral Qualcomm Satellite Services, Inc.
MCI Communications Corporation
Mobile Telecommunications Corporation
Motorola, Inc.
National Association of Broadcasters
NYNEX
ORBCOMM
PanAmSat, Inc.
Southwestern Bell Company
STARSYS Global Positioning, Inc.
Telecommunications Industry Association

CERTIFICATE OF SERVICE

I, Robert Mansbach, certify the copies of the foregoing Reply Comments of COMSAT World Systems were served by first-class mail, postage prepaid, this 5th day of August, 1994 on the following.

Richard D. Parlow
Associate Administrator
Office of Spectrum Management
NTIA, U.S. Department of Commerce
14th & Constitution Ave., N.W.
Room 4099
Washington, D.C. 20230

Lawrence M. Palmer
NTIA
U.S. Department of Commerce
14th & Constitution Ave., N.W.
Room 4701
Washington, D.C. 20230

James Ball
Deputy Director
Office of International Communications
Federal Communications Commission
1919 M Street, N.W., Room 658
Washington, D.C. 20554

Scott Harris
Director
Office of International Communications
Federal Communications Commission
1919 M Street, N.W., Room 658
Washington, D.C. 20554

Thomas Walsh
Assistant Director
Office of International Communications
Federal Communications Commission
1919 M Street, N.W., Room 658
Washington, D.C. 20554

Thomas Stanley
Chief Engineer
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

William R. Torak
Deputy Chief
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7130
Washington, D.C. 20554

Francis Williams
Chief, Treaty Branch
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7112
Washington, D.C. 20554

Thomas Tycz
Deputy Chief, Domestic Facilities Division
Common Carrier Bureau
Federal Communications Commission
2025 M Street, N.W., Room 6010
Washington, D.C. 20554

Ben C. Fisher
Fisher, Wayland, Cooper
Leader & Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006

Raul R. Rodriguez, Esq.
Leventhal, Senter & Lerman
2000 K Street, N.W., #600
Washington, D.C. 20006

Thomas J. Keller
Verner, Liipfert Bernhard
McPherson & Hand, Chartered
901 15th Street, N.W.
Suite 700
Washington, D.C. 20005

Warren Richards
Foreign Affairs Officer
EB/CIP
Department of State
2201 C Street, N.W., Room 2318
Washington, D.C. 20520

John Gilsenan
Foreign Affairs Officer
EB/CIP
Department of State
2201 C Street, N.W., Room 2318
Washington, D.C. 20520

Kathryn Martin
Foreign Affairs Officer
EB/CIP
Department of State
2201 C Street, N.W., Room 2318
Washington, D.C. 20520

Tom W. Davidson, P.C.
Akin, Gump, Strauss, Hauer & Feld
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, D.C. 20036

Julian L. Shepard
Association for Maximum
Service Television, Inc.
1776 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Jonathan D. Blake
Covington & Burling
1201 Penn Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044

Mark W. Johnson
CBS, Inc.
1634 I Street, N.W.
Washington, D.C. 20006

Molly Pauker
Fox, Inc.
5151 Wisconsin Avenue, N.W.
Washington, D.C. 20016

Henry L. Baumann
Barry D. Umansky
NAB
1771 N Street N.W.
Washington, D.C. 20036

Jill Abeshouse Stern
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037

John T. Scott, III
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2505

Leslie A. Taylor
6800 Carlynn Court
Bethesda, Maryland 20817-4302

Leonard R. Raish
Fletcher, Heald & Hildreth
1300 North 17th Street
Rosslyn, Virginia 22209

James G. Ennis
Iridium, Inc.
1401 H Street, N.W.
Washington, D.C. 20005

Philip L. Malet
Steptoe & Johnson
1330 Connecticut Avenue
Washington, D.C. 20036

Robert A. Mazer
Nixon, Hargrave, Desans & Doyle
One Thomas Circle, N.W.
Washington, D.C. 20005

Fern J. Jarmulnek
Federal Communications Commission
2025 M Street, N.W., Room 6324
Washington, D.C. 20554

Harry Ng
Federal Communications Commission
2025 M Street, N.W., Room 6324
Washington, D.C. 20554

Nancy J. Thompson
COMSAT Mobile Communications
22300 COMSAT Drive
Clarksburg, Maryland 20871

Stephen L. Goodman
Halprin, Temple & Goodman
Suite #650 East Tower
1100 New York Avenue, N.W.
Washington, D.C. 20005

Bruce D. Jacobs
Glenn S. Richards
Fisher, Wayland, Cooper, Leader
& Zaragoza
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006

Lon C. Levin
AMSC
10802 Park Ridge Blvd.
Reston Virginia 22091

Gary M. Epstein
John P. Janka
Mary E. Britton
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

George Jacobs & Associates
8701 Georgia Avenue
Silver Spring, Maryland 20910

Robert B. Kelly
Kelly, Hunter, Mow & Povich
1133 Connecticut Avenue, N.W.
Washington, D.C. 20036

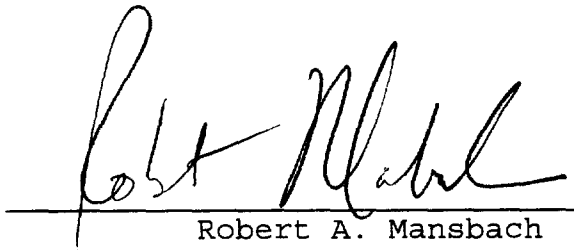
Philip V. Otero
Alexander Humphrey
GE American Communications, Inc.
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

John L. Bartlett
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Thomas J. Keller
Verner, Lipfret, Bernhard
McPherson & Hand
901 15th Street, N.W.
Washington, D.C. 20005

John J. McVeigh
Fisher, Wayland, Cooper
Leader & Zaragoza
2001 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Christopher D. Imlay
Booth, Freret & Imlay
1233 20th Street, N.W.
Washington, D.C. 20036



Robert A. Mansbach